

## **REMARKS/ARGUMENTS**

Applicants wish to thank Examiner Sergent for his comments and suggestions during the telephone interview with Applicant's representative regarding this application on February 16, 2006. The amendments provided herein and the following remarks reflect Applicants' proposed amendments and arguments as stated during the telephone interview.

Claims 1-119 remain in this application. Claims 1, 35, 48, 50 and 69 are amended; and claims 5 and 39 are canceled.

In the Final Office Action mailed January 25, 2005, the Examiner rejected claims 1-119 under 35 USC § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, the Examiner rejected claims 1-119 under 35 USC § 112, first paragraph as failing to comply with the written description requirement. The claims had been amended to include the term "non-elastomeric". The Examiner stated that Applicants failed to provide support for claiming non-elastomeric polymerizates, and also that Applicants failed to delineate how or what properties are governed by such language. The Examiner also rejected the claims under 35 USC § 112, first paragraph as failing to comply with the enablement requirement.

The claims have now been amended to delete the term "non-elastomeric". In view of such amendment, reconsideration and withdrawal of the rejections under 35 USC § 112, first paragraph are respectfully requested.

In the prior Office Action mailed June 17, 2004, the Examiner had indicated that claims 69-81, 87-116, and 119 were allowed; claims 5, 7-10, 12, 13, 34, 39, 41-44, 47, 48 and 68 were objected to; and claims 1-4, 6, 11, 14-33, 35-38, 40, 45, 46, 49-67, 82-86, 117, and 118 were rejected.

The Examiner rejected claims 1-4, 11, 14-16, 21-23, 26-32, 35-38, 40, 45, 46, 49, 50, 55-57, 60-65, 67, 117 and 118 under 35 U.S.C. 102(b) as being anticipated by United States Patent 4,866,103 to Cassidy ("Cassidy") as set forth on page 3, paragraph 4 of the Office Action mailed June 17, 2004. Applicants submit that the Cassidy reference is directed to, *inter alia*, polythiourethane elastomers suitable for reaction injection molding. As amended, the claimed invention is directed to a polythiourethane polymerizate where the components comprising the polymerizate are selected such that the polymerizate has a refractive index of at least 1.6, an

Abbe number of at least 33, and an initial Barcol hardness of at least 1. Support for this amendment can be found in the specification as originally filed, for example, in original claim 5. Such properties would indicate that the polymerizates of Applicants' claims as amended are readily suitable for use as optical and/or ophthalmic grade materials used in the manufacture, for example, of lenses. Cassidy does not disclose a polythiourethane polymerizate having such properties as recited in Applicants' claims now amended. In view of such amendment, reconsideration and withdrawal of the claim rejections under 35 U.S.C. 102(b) is respectfully requested.

Further, the Examiner rejected claims 17-20, 24, 25, 33, 51-54, 58, 59 and 60 under 35 U.S.C. 103(a) as being unpatentable over Cassidy as set forth in the Office Action mailed June 17, 2004, at paragraphs 6 and 7. As previously mentioned, Cassidy is directed to elastomeric polythiourethanes suitable for RIM processes, however, Cassidy in no way teaches or suggests polythiourethane polymerizates having properties such as a refractive index of at least 1.6, an Abbe number of at least 33, and an initial Barcol hardness of at least 1 as is required by Applicants' claims as amended. Nor would one skilled in the art be motivated to modify Cassidy in such a way as to arrive at the invention of Applicants' claims as amended, that is, to select particular reactants such that the resulting polymerizate would have such properties as are recited in Applicant's now amended claims. In view of the foregoing, reconsideration and withdrawal of the claim rejections under 35 U.S.C. 103(a) is respectfully requested.

Applicants submit that claims 1-119 are now in condition for allowance and therefore, respectfully request reconsideration of these claims. However, if the Examiner deems there to

be any issues remaining, the Examiner is invited to telephone the undersigned attorney in order to expedite resolution of such matters.

Respectfully submitted,

Deborah M. Altman  
Registration No. 42,259  
Attorney for Applicant

A handwritten signature in cursive script, reading "Deborah M. Altman", written over a horizontal line.

Telephone: (412) 434-2922  
Facsimile: (412) 434-2922

Pittsburgh, Pennsylvania  
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